

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

BLAKE M. DICOSOLA,)
)
Plaintiff,)
)
v.) CIVIL ACTION
) FILE NO.
)
)
IMPACT FULFILLMENT)
SERVICES, INC.)
)
Defendant.)
)
)

NOTICE OF REMOVAL

COMES NOW Defendant Impact Fulfillment Services, Inc. (“Defendant” or “Impact”), by and through the undersigned counsel, and hereby files this Notice of Removal pursuant to 28 U.S.C. § 1446, showing this Honorable Court as follows:

1.

Upon information and belief, Plaintiff Blake M. DiCosola (“Plaintiff”) is a resident of the State of North Carolina.

2.

Defendant Impact is a North Carolina corporation, with its principal place of business in Alamance County, North Carolina.

3.

On May 26, 2015, Plaintiff filed a Complaint in the General Court of Justice, Superior Court Division, Alamance County, North Carolina styled as *DiCosola v. Impact Fulfillment Services, Inc.*, Civil Action No. 15CVS940 (the “Superior Court Action”). (See Compl.) Plaintiff served the Summons and Complaint upon Defendant on May 29, 2015.

4.

The instant Notice of Removal is timely because less than 30 days have expired since Defendant was first served with a copy of “the initial pleading setting forth the claim for relief upon which such action or proceeding is based. . .” See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344 (1999); 28 U.S.C. §§ 1441, 1446.

5.

Pursuant to 28 U.S.C. § 1446(a), Defendant has attached all process, pleadings, and other documents, served upon Defendant in the Superior Court Action to this Notice for Removal (See Ex. “1”).

6.

In this case, Plaintiff asserts claims under the Americans with Disabilities Act of 1990 (the “ADA”), 42 U.S.C. § 12101, *et seq.*, the ADA Amendments Act of 2008 (the “ADAAA”), the Age Discrimination in Employment Act of 1968 (the

“ADEA”), 29 U.S.C. § 621, *et seq.*, the Family Medical Leave Act of 1993 (the “FMLA”) and 29 U.S.C., *et seq.* (See Compl., ¶ 1). Consequently, federal question jurisdiction exists in this case pursuant to 28 U.S.C. § 1331.

7.

The undersigned certifies that he has read this Notice of Removal, and to the best of the undersigned’s knowledge, information, and belief, it is well-grounded in fact and is warranted by existing law, and it is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation. (See Affidavit of Defendant’s counsel, Jeffrey W. Melcher, Esq., attached hereto as Ex. “2”).

8.

Pursuant to 28 U.S.C. § 1446(b), Defendant hereby certifies that it has notified all adverse parties of this Notice of Removal in the Superior Court Action by filing a copy of this Notice of Removal with the Clerk of the General Court of Justice, Superior Court Division, Alamance County, North Carolina and by mailing a copy of this Notice of Removal to Plaintiff’s counsel via Certified Mail, Return Receipt Requested. (See Notice of Filing Notice of Removal, attached hereto as Ex. “3”).

WHEREFORE, Defendant Impact Fulfillment Services, Inc. respectfully requests that the United States District Court for the Middle District of North

Carolina effectuate the removal of this case and issue such further orders and process as are necessary to preserve its jurisdiction over this matter.

Respectfully submitted, this 25th day of June, 2015.

GORDON & REES LLP

/s/ Jeffrey W. Melcher

Jeffrey W. Melcher

North Carolina Bar No. 0017703

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATHANIEL BELL,)
)
Plaintiff,)
) CIVIL ACTION
v.) FILE NO.
)
)
TSA STORES, INC.)
)
Defendant.)
)
)

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **Notice of Removal** was electronically filed with the Court using the CM/ECF system and was served by Certified Mail, Return Receipt Requested to the address below:

Michael A. Kornbluth
Taibi Kornbluth Law Group, P.A.
3100 Tower Boulevard, Suite 800
Durham, North Carolina 27707

Counsel for Plaintiff

Respectfully submitted this 25th day of June, 2015.

/s/ Jeffrey W. Melcher _____
Jeffrey W. Melcher